

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**RITCHIE LYNCH, #07451-010**

§

**VS.**

§

**CIVIL ACTION NUMBER 5:09cv29**

**UNITED STATES OF AMERICA, ET AL.** §

**ORDER**

Came on for consideration, the Plaintiff's motion to dismiss the lawsuit without prejudice (docket entry #42), which was filed in response to the Defendants' motions for summary judgment. Since the Defendants have filed motions for summary judgment, the "action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper." Fed. R. Civ. P. 41(a)(2). The Plaintiff is not entitled to have the case automatically dismissed without prejudice at this juncture. The Court is of the opinion that the Defendants should provide a response to the Plaintiff's motion. It is therefore

**ORDERED** that the deadline for the Defendants to file a response to the motion to dismiss is October 19, 2009.

**SIGNED this 5th day of October, 2009.**

  
CAROLINE M. CRAVEN  
UNITED STATES MAGISTRATE JUDGE